

## **REMARKS**

### **I. The Amendments**

Applicants have amended claim 34 to remove the hybridization language.

### **II. The Rejection of Claims 34-37 Under 35 U.S.C. §102(e) May Properly Be Withdrawn**

Claims 34-37 were rejected under 35 U.S.C. §102(e) for being directed to subject matter assertedly anticipated by the disclosure of Fisher et al. (U.S. Patent No. 5,922,595; hereinafter "the '595 patent").

In response, Applicants have amended claim 34 to remove the hybridization language. Currently amended claim 34 is drawn to "...A method to identify a specific binding partner compound of a phosphodiesterase polypeptide encoded by a polynucleotide encoding the polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2..." Applicants submit that, as admitted by the Examiner on page 5 of the Office action mailed on April 14, 2004, SEQ ID NO: 2 of the instant application differs from the sequence disclosed in the '595 patent. Accordingly, the Applicant submits that the '595 patent can not anticipate the instant application and the rejection of claims 34-37 under §102(e) must be withdrawn.


## CONCLUSION

The amendments include no new matter. In view of the amendments and remarks made herein, Applicant believes that claims 34-37 are in condition for allowance and respectfully request expedient notification of the same.

Respectfully submitted,

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